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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,792	06/28/2001	Mikko Kanerva	P1382US00	7109
30671 7590 05/17/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER DANIEL JR, WILLIE J				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 05/17/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doCKET@dcPATENT.com

Office Action Summary

Application No.

09/893,792

Applicant(s)

KANERVA, MIKKO

Examiner

WILLIE J. DANIEL JR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73-108 is/are pending in the application.
- 4a) Of the above claim(s) 91-108 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 73-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 08 March 2010. **Claims 73-90** are now pending in the present application and **claims 91-108** are non-elected and **claims 1-72** are canceled. This office action is made **Final**.

Election/Restrictions

2. **Claims 91-108** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08 March 2010.
3. This application contains **claims 91-108** drawn to an invention nonelected with traverse in the reply filed on 08 March 2010. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 73-90 are rejected under 35 U.S.C. 102(b) as being anticipated by **Neubauer et al.** (hereinafter Neubauer) (**US 5,953,673**).

Regarding **claim 73**, Neubauer discloses a method (see Fig. 1) comprising:

receiving a request from a calling subscriber (SA, SA') which reads on the claimed "mobile station" to connect to one of a plurality of called mobile target subscriber (SB) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

determining location information for each of the other mobile stations (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23); and

selecting one of the other mobile stations (SB) to connect to the mobile station (SA, SA') based on the location criteria and the determined location information (see col. 9, lines 56-62; col. 10, lines 54-63), *where calling subscriber is connected with a mobile target subscriber* (see col. 5, lines 5-11).

Regarding **claim 74**, Neubauer discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information (see col. 11, lines 17-21; col. 5, lines 53-64; col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 75**, Neubauer discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 76**, Neubauer discloses a method according to claim 73, further comprising: receiving information as to which of the plurality of other mobile stations satisfy the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 77**, Neubauer discloses a method according to claim 76, further comprising: determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63), *where the system selects a target station in the order of closest according to requirements/aspects such as locational, temporal, hierarchical, and/or cyclical.*

Regarding **claim 78**, Neubauer discloses a method according to claim 76 further comprising: determining to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63), *where the system selects a target station in which randomly would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.*

Regarding **claim 79**, Neubauer discloses an apparatus (see Fig. 1) comprising:
at least one processor (see Fig. 1); and
at least one memory, the at least one memory and the at least one processor configured to cause the apparatus at least to (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64):
receive a request from a calling subscriber (SA, SA') which reads on the claimed "mobile station" to connect to one of a plurality of called mobile target subscriber (SB) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (see col. 9, lines 5-19, 59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35),

determine location information for each of the other mobile stations (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), and select one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 9, lines 56-62; col. 10, lines 54-63), *where calling subscriber is connected with a mobile target subscriber* (see col. 5, lines 5-11).

Regarding **claims 80-84**, the claims as applied to claim 79 are rejected for the same reasons as set forth above in **claims 74-78**, respectively.

Regarding **claim 85**, Neubauer discloses an apparatus (see Fig. 1) comprising:
means for receiving a request from a mobile station (SA, SA') to connect to one of a plurality of other mobile stations (SB), wherein the request specifies a location criteria (see col. 9, lines 5-19, 59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

means for determining location information for each of the other mobile stations (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23);
and

means for selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 9, lines 56-62; col. 10, lines 54-63), *where calling subscriber is connected with a mobile target subscriber* (see col. 5, lines 5-11).

Regarding **claims 86-90**, the claims as applied to claim 85 are rejected for the same reasons as set forth above in **claims 74-78**, respectively.

Claims 73-76, 78-82, 84-88, and 90 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini (EP 0810803 A2)**.

Regarding **claim 73**, Tognazzini discloses a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), *where the cellular system (1000) establishes communication between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient) comprising:*

receiving a request (e.g., query) from an originating station (1010; calling station) which reads on the claimed “mobile station” to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “other mobile stations”, wherein the request specifies a location criteria (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

determining location information for each of the other mobile stations (1020, 1030, 1040; called station) (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), *where the cellular network (1000) keeps track of mobile stations within communication range; and*

selecting one of the other mobile stations (1020, 1030, 1040; called station) to connect to the mobile station (1010; calling station) based on the location criteria and the determined location information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 7, 9-10, and 12), *where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.*

Regarding **claim 74**, Tognazzini discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 75**, Tognazzini discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15)

Regarding **claim 76**, Tognazzini discloses a method according to claim 73, further comprising: receiving information as to which of the plurality of other mobile stations satisfy the location criteria (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 78**, Tognazzini discloses a method according to claim 76 further comprising: determining to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 13, lines 12-38).

Regarding **claim 79**, Tognazzini discloses an apparatus comprising:

at least one processor (e.g., cellular system 1000) (see col. 11, lines 16-24; Figs. 10 and 11); and

at least one memory (e.g., database), the at least one memory and the at least one processor configured to cause the apparatus at least to:

receive a request (e.g., query) from a originating station (1010; calling station) which reads on the claimed “mobile station” to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “other mobile stations”, wherein the request specifies a location criteria (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12),

determine location information for each of the other mobile stations (1020, 1030, 1040; called station) (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), *where the cellular network (1000) keeps track of mobile stations within communication range, and* select one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 7, 9-10, and 12), *where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.*

Regarding **claims 80-82 and 84**, the claims as applied to claim 79 are rejected for the same reasons as set forth above in **claims 74-76 and 78**, respectively.

Regarding **claim 85**, Tognazzini discloses an apparatus comprising:
means for receiving a request (e.g., query) from a originating station (1010; calling station) which reads on the claimed “mobile station” to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “other mobile stations”, wherein the request specifies a location criteria (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

means for determining location information for each of the other mobile stations (1020, 1030, 1040; called station) (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), *where the cellular network (1000) keeps track of mobile stations within communication range*; and

means for selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 7, 9-10, and 12), *where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display*.

Regarding **claims 86-88 and 90**, the claims as applied to claim 85 are rejected for the same reasons as set forth above in **claims 74-76 and 78**, respectively.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 77, 83, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **De Brito (US 6,529,735 B1)**.

Regarding **claims 77, 83, and 89**, Tognazzini as applied to 76 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria. However, the examiner maintains that the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria was well known in the art, as taught by De Brito.

In the same field of endeavor, De Brito discloses the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 6, lines 50-65; Figs. 2A-B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and De Brito to have the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria, in order to provide establishment of communication between an originating party and a most suitable party in said group, as taught by De Brito (see col. 1, lines 57-59).

Claims 77, 83, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Nojima (US 5,933,080)**.

Regarding **claim 77, 83, and 89**, Tognazzini as applied to 76 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria. However, the examiner maintains that the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 3, lines 37-42; col. 4, lines 15-31; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria, in order to provide an emergency calling system which can make an appropriate emergency call, as taught by Nojima (see col. 1, lines 57-59).

Response to Arguments

6. Applicant's arguments with respect to claims 73-90 have been considered but are moot in view of the new ground(s) of rejection necessitated by the new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

7. The Examiner requests applicant to provide support for any further amended claim language.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
12 May 2010

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617